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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re:

PG&E CORPORATION,

- and -

**PACIFIC GAS AND ELECTRIC
COMPANY,**

Debtors.

- ☐ Affects PG&E Corporation
☒ Affects Pacific Gas and Electric Company
☐ Affects both Debtors

** All papers shall be filed in the Lead Case, No. 19-30088 (DM).*

Bankruptcy Case No. 19-30088 (DM)

Chapter 11

(Lead Case) (Jointly Administered)

**REPLY MEMO IN SUPPORT OF
CREDITOR TODD GREENBERG'S
MOTION TO AMEND CLAIMS
NUMBERED 77335 AND 76018**

Date: March 29, 2022

Time: 10:30 a.m.

Place: Courtroom 17

450 Golden Gate Avenue, 16th Floor

San Francisco, California

Judge: Hon. Dennis Montali

Via Tele/Video Conference

1 Creditor Todd Greenberg (“Greenberg”) hereby replies to PG&E’s opposition to his motion
2 (the “Motion”) to permit Greenberg to file amendments of his claims numbered 77335 and 76018
3 (the “Claims”).

4 **I. The Scheduling Order**

5 As set forth in the accompanying Declaration of Richard A. Lapping, counsel for Greenberg
6 agreed to the form of the Scheduling Order for Remote Trial (“Scheduling Order”) (Dkt. #11943) as
7 a result of a mistake. Counsel for PG&E emphasized the term that counsel expected in a January 14,
8 2022 email. Instead, and without highlighting a substantive change, the term “heard” was substitute
9 for “filed” as it pertains to a motion to amend.

10 As a result of changing the motion deadline to “heard”, when the Scheduling Order was
11 issued on February 16, 2022 (Dkt. #11943), only 27 days remained before the March 15, 2022
12 hearing deadline, which meant that it was impossible to file a noticed motion under L.B.R. 9014-
13 1(c)(1), ignoring that the Court’s available hearing dates added to the impossibility. Counsel did not
14 discover the problem until the day the Motion was to be filed.

15 Greenberg submits that good cause exists to relieve him from counsel’s good faith mistake.

16 **II. PG&E Will Not Be Prejudiced**

17 PG&E claims prejudice because Greenberg subpoenaed a third party, Veteran Power, thus
18 introducing third parties into the claim. That is speculation and it is incorrect. Veteran Power is a
19 subcontractor for PG&E that performed work at 31 Bolinas Road, Fairfax, California during the
20 week of February 14 through February 19, 2016, when a type of power surge or irregularity occurred
21 that destroyed a component of Greenberg’s refrigerator when he was out of town. Greenberg has
22 consistently alleged in his claim (No. 77335), that construction work by PG&E at his next door
23 neighbor’s property caused the outage. PG&E has consistently denied that any PG&E work was
24 done there, and produced documents in discovery to the effect that the only work scheduled there
25 was in March 2016. (See Reorganized Debtors’ Further Objection to Claim No. 77335 (Todd
26 Greenberg), Dkt. #10995, p. 5, lines 14-16.)

27 PG&E’s document production was obviously incomplete, as the documents produced by
28 Veteran Power, its subcontractors, establish. See for example, Exhibits 3 and 4 to the Lapping

1 Declaration, showing heavy construction activity by PG&E at the 31 Road Bolinas location.
2 Greenberg only discovered the involvement of Veteran Power after multiple requests for documents
3 from the Town of Fairfax led to a reference to its involvement. There is no intent to involve Veteran
4 Power in this matter other than as a witness.

5 The changes made by the proposed amendments are all foreshadowed in Greenberg's
6 original claims, and in his declarations submitted herein. (Dkt. # 9646-1 and 11678.) PG&E alleges
7 prejudice because "the deadlines set forth in the Scheduling Order do not provide PG&E with an
8 adequate opportunity to conduct the necessary discovery" regarding the amended claims. This is
9 somewhat surprising in that PG&E has conducted no discovery with regard to any of Greenberg's
10 claims, other than an unscheduled drive-by inspection by a tree expert.

11 **III. PG&E's Request for a Continuance of the Trial and Deadlines**

12 Counsel for Greenberg has conferred with counsel for PG&E and proposed a four week
13 extension, subject to the Court's availability.

14 **CONCLUSION**

15 For the reason indicated, Greenberg's Motion should be granted.

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17 Dated: March 25, 2022

TRODELLA & LAPPING LLP

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19 By: /s/ Richard A. Lapping
Richard A. Lapping
20 Attorneys for Todd Greenberg
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